

- 1) Whether EPA’s implementation of the biomass-based diesel and advanced biofuel programs for compliance years 2023 to 2025 under 42 U.S.C. § 7545(o)(2)(B)(ii) (hereinafter referred to as “Set”) was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

2) Whether EPA's final conversion factor of 1.6 for determining the renewable volume obligations for biomass-based diesel was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

3) Whether EPA's failure to revise the equivalence values for renewable diesel and its co-products was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

4) Whether EPA's final conversion factor for determining the renewable volume obligations for biomass-based diesel was not a logical outgrowth of the proposed rule and thereby violated the notice and comment requirements of the Clean Air Act.

5) Whether EPA's definition of "biomass-based diesel" for purposes of Set was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

6) Whether EPA's inclusion of jet fuel (also referred to as sustainable aviation fuel) in the biomass-based diesel category for purposes of Set was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

7) Whether EPA properly declined to consider comments related to the implementation of the biomass-based diesel program.

This is a preliminary listing of issues that Petitioner Sustainable Advanced Biofuel Refiners Coalition may raise. Petitioner reserves the right to modify this statement of issues, as well as to raise these and other issues.

Respectfully submitted,

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